

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that all references listed in the Information Disclosure Statement submitted on July 16, 2009, have been considered.

Disposition of Claims

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, and 141-146 are pending in this application. Claims 1, 51, and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 51, and 141.

Information Disclosure Statement

Applicant respectfully requests that the Examiner consider all references listed in the Information Disclosure Statement accompanying this submission.

Examiner Interview

In the interest of moving prosecution of this matter forward, Applicant respectfully requests that the Examiner contact the Applicant's representatives to schedule an Examiner Interview prior to the Examiner issuing a subsequent Office Action. Applicant submits an Examiner Interview Request Form with a proposed agenda in conjunction with this submission.

Amendments to the Claims

Independent claims 1, 51, and 141 have been amended to clarify aspects of the invention. Claims 37 and 85 have been amended to resolve antecedent basis issues. No new matter is added by way of these amendments. Support for these amendments may be found, for example, on page 2, lines 1-27 of the application as filed.

Rejections under 35 U.S.C. § 112

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, 145, and 146 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. *See* Action, p. 4. The independent claims recited, in part, “create the mosaic comprising a plurality of unencrypted programs, including the program in unencrypted form, wherein each of the plurality of *encrypted* programs is shown within a respective window of the plurality of windows.” [Emphasis added.]

Specifically, the Examiner contends that the limitation “encrypted programs” is indefinite, as the mosaic is of unencrypted programs. *See* Action, p. 5. The independent claims are hereby amended by way of this submission to change the limitation to “unencrypted programs.” In view of the above, amended claims 1 and 51 satisfy the requirements of 35 U.S.C. § 112. Further, claims 2-11, 13-20, 22, 23, 27-38, 52-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, 145, and 146, which depend either directly or indirectly on claims 1 or 51, also satisfy the requirements of 35 U.S.C. § 112 for at least the same reasons. Accordingly, withdrawal of this rejection under 35 U.S.C. § 112 is respectfully requested.

Rejections under 35 U.S.C. § 103

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. *See*, MPEP § 2143. The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Action indicates that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. *See, e.g.*, MPEP § 2143(A). Applicant respectfully submits that the Examiner’s contentions do not support an obviousness rejection of the pending claims for at least the following reasons.

Claims 1-8, 15-18, 28-30, 35, 38, 51-56, 65, 76-78, 83, 86, 87, 111, 112, 114, 119, 127, 131, 135, 141, 142, and 145

Claims 1-8, 15-18, 28-30, 35, 38, 51-56, 65, 76-78, 83, 86, 87, 111, 112, 114, 119, 127, 131, 135, 141, 142, and 145 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,594,509 (“Florin”) in view of U.S. Patent No. 5,903,314 (“Niijima”), U.S. Patent No. 5,594,794 (“Eyer”), and U.S. Patent No. 5,606,611 (“Kitada”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Amended independent claim 1 recites, in part, “determin[ing] that full access rights are not available to a user for [a] program while [a] program is displayed in encrypted form in [a] mosaic on [a] second channel,...wherein one of only audio access and only video access is

prohibited for the program on the second channel after a predetermined length of time, wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited.” Thus, according to the claimed invention, there are two distinct channels associated with a program. One channel (the second channel) displays the mosaic, which allows full access to the program for a predetermined period of time and then prohibits only one of video and audio to the program after the predetermined period of time, and the other channel (the first channel) displays the full program after access rights are received but prohibits any access to the program before access rights are received. Thus, if access rights do not exist, then the program remains completely encrypted on the first channel. Amended independent claims 51 and 141 include substantially similar limitations.

Turning to the rejection, Florin discloses a transceiver to manage selection of program and service sources. *See* Florin, Abstract. Specifically, Florin discloses “descrambling circuitry...to descramble premium programs received over the T/T cable.” *See* Florin, col. 9, lines 15-17. However, the Examiner admits that Florin fails to disclose “that the mosaic is on a second channel” (*see* Action, p. 7), and so Florin necessarily fails to disclose determining that full access rights are not available for a program while the program is displayed in a mosaic on a separate channel, as required by the amended independent claims. Further, the Examiner also admits that Florin fails to disclose that “one of only audio access and video access is prohibited after a predetermined length of time based upon [determining] that [full] access rights are not available for...[the] program,” as required by the amended independent claims. *See* Action, p. 7. Still further, because Florin fails to disclose a mosaic on a second channel, Florin is completely silent with regard to the limitation directed to “wherein the program remains in encrypted form on the first

channel so that audio access and video access to the program are prohibited,” as required by the amended independent claims. Accordingly, Florin fails to disclose or render obvious the aforementioned limitations recited above and required by the independent claims.

Further, Applicant respectfully asserts that Nijjima fails to disclose or otherwise provide that which Florin lacks. Nijjima discloses an electrical program guide system and method by which a desired program can be selected rapidly with certainty, intuitively and directly from among a large number of programs (*see* Nijjima, col. 2, lines 9-13). Specifically, Nijjima discloses, as admitted by the Examiner, that an unencrypted program on a first channel is also shown in unencrypted form in a window of a mosaic on a second channel. *See* Action, p. 3. Regarding encryption and access rights, Nijjima merely discloses that keys necessary for decipherment of a cipher may be stored together with a decipherment program. *See* Nijjima, col. 14, lines 53-56. Nijjima further discloses that “[w]hen a broadcasting station transmits data to which encipherment processing has performed, keys and decipherment processing are required to decipher the cipher.” *Id.*, col. 14, lines 56-59. In other words, Nijjima uses keys to display a program, both in the mosaic and a separate channel, in unencrypted form *on the device*. However, since Nijjima discloses that the program on the first channel and the program in a window of the mosaic is the same program in unencrypted form (*see, e.g.*, Nijjima, col. 8, lines 14-24 and FIG. 3), the access rights disclosed in Nijjima are necessarily independent of the access rights *of a user*. Thus, Nijjima fails to disclose or render obvious the limitation of determining that full access rights are not available *to a user* for a program while the program is displayed in a mosaic on a separate channel, as required by the amended independent claims.

Further, as admitted by the Examiner, Niijima fails to disclose that “one of only audio access and video access is prohibited after a predetermined length of time based upon [determining] that [full] access rights are not available for...[the] program,” as required by the amended independent claims. *See* Action, p. 9. Still further, since Niijima discloses that the program on the first channel and the program in a window of the mosaic on a second channel are both unencrypted (as discussed above), Niijima is completely silent with regard to the limitation directed to “wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited,” as required by the amended independent claims. Accordingly, Niijima fails to disclose or render obvious the aforementioned limitations recited above and required by the independent claims.

Further, Applicant respectfully asserts that Eyer fails to disclose or otherwise provide that which Florin and Niijima lack. Eyer discloses providing a video service on a pay-per-view basis during a program epoch (*see* Eyer, column 1, lines 61-64). Specifically, Eyer discloses that an encrypted service is received by a receiver/decoder, and, if a secure processor generates working keys, then the encrypted service becomes decrypted. *See, e.g.*, Eyer, FIG. 1. However, Eyer fails to disclose a mosaic. In other words, only one signal of the program is transmitted in Eyer. Therefore, like Florin, Eyer fails to disclose transmitting a program that is shown on the mosaic (the second channel) in unencrypted form and also on a separate channel (the first channel) in encrypted form. Accordingly, Eyer necessarily fails to disclose or render obvious at least the limitations directed to determining “that full access rights are not available to a user for the program *while the program is displayed* in encrypted form *in the mosaic on a second channel*” and “wherein the program remains

in encrypted form on the first channel so that audio access and video access to the program are prohibited,” as required by the amended independent claims.

Further, Eyer discloses that audio access and video access may be available for an encrypted program for a predetermined period of time for a free preview. *See* Eyer, col. 5, lines 21-54 and col. 10, lines 48-65. However, both audio access and video access cease when the predetermined period of time expires. *Id.* In other words, after the predetermined period of time in Eyer expires, no access, audio or video, is available for the encrypted program. Thus, Eyer also fails to disclose or render obvious the limitation directed to “one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time,” as required by the amended independent claims. Accordingly, Eyer fails to disclose or render obvious the aforementioned limitations recited above and required by the independent claims.

Further, Applicant respectfully asserts that Kitada fails to disclose or otherwise provide that which Florin, Nijima, and Eyer lack. Kitada merely discloses a receiving station management apparatus that can perform a rewrite operation of audio and video signals more quickly (see Kitada, column 1, lines 7-11 and 42-45). Specifically, Kitada discloses an “input unit [that] sets data for a program to be broadcasted such that only a video signal is scrambled, but an audio signal is not scrambled.” *See* Kitada, col. 3, lines 57-59. However, Kitada, like Florin and Eyer, is completely silent with regard to a mosaic. Thus, Kitada necessarily fails to disclose or render obvious at least the limitations directed to determining “that full access rights are not available to a user for the program *while the program is displayed* in encrypted form *in the mosaic on a second channel*” and “wherein the program remains in encrypted form on the first channel so that audio

access and video access to the program are prohibited,” as required by the amended independent claims.

Kitada is also completely silent with regard to any duration of time, after which the input unit in Kitada allows only one of audio access or video access. Thus, Kitada also fails to disclose or render obvious the limitation directed to “one of only audio access and only video access is prohibited for the program on the second channel *after a predetermined length of time*,” as required by the amended independent claims. Applicant would like to emphasize that, because Eyer discloses that neither audio nor video access is available after a predetermined length of time, the Examiner’s attempt to combine the teachings of Eyer (*i.e.*, predetermined length of time) with the teachings of Kitada (*i.e.*, allowing only one of audio or video access) to disclose the limitation requiring that one of only audio access and only video access is prohibited for the program on the second channel *after a predetermined length of time* is nonsensical. The only reasonable conclusion that may be drawn by combining Eyer and Kitada is that, *during* the predetermined length of time, only one of audio and video access is available. Accordingly, Kitada fails to disclose or render obvious the aforementioned limitations recited above and required by the independent claims.

Furthermore, the use of this number of references in formulating the rejection indicates that the Examiner, using the present application as a guide, has selected isolated features of the various relied-upon references to arrive at the limitations of the claimed invention. Applicant reminds the Examiner that use of the present application as a “road map” for selecting and combining prior art disclosures is wholly improper. See *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985) (stating that “[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time”); *In re Fritch*, 972 F.2d

1260 (Fed. Cir. 1992) (stating that “it is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious This court has previously stated that ‘one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.’”); *In re Wesslau*, 353 F.2d 238 (C.C.P.A. 1965) (stating that “it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art”).

Accordingly, Applicant asserts that the Examiner’s use of a combination of the four references in rejecting the independent claims and additional combinations of four or more references in the several 103(a) rejections that follow is improper.

In view of the above, it is clear that independent claims 1, 51, and 141 are patentable over Florin, Nijjima, Eyer, and Kitada, whether considered separately or in combination. The pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Nijjima, Eyer, Kitada, and further in view of U.S. Patent No. 5,874,936 (“Berstis”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Niijima, Eyer, and Kitada fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Berstis fails to disclose or otherwise provide that which Florin, Niijima, Eyer, and Kitada lack. Specifically, Berstis merely discloses a method and apparatus for automatically scrolling the contents of a window using a remote pointing device (*see* Berstis, column 2, lines 7-9). However, Bertsis is completely silent regarding a mosaic, access rights, and encryption. Thus, Bertsis fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, and Berstis, whether considered separately or in combination. Further, claims 9, 10, 57, and 58, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, and Kitada, and further in view of U.S. Publication No. 2003/0101452 (“Hanaya”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Niijima, Eyer, and Kitada fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Hanaya fails to disclose or otherwise provide that which Florin, Niijima, Eyer, and Kitada lack. Specifically, Hanaya merely discloses a program switching device and which allows users to select a desired program very swiftly with a simple operation by preliminarily initiating the receiving operation in accordance with a cursor movement on a control display without waiting for the will determination of users” (see Hanaya, paragraph [0005]). However, Hanaya is completely silent regarding a mosaic, access rights, and encryption. Thus, Hanaya fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, and Hanaya, whether considered separately or in combination. Further, claims 11, 13, 59, and 61, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 110

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, Hanaya and further in view of US. Patent No. 5,809,204

(“Young”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Niijima, Eyer, Kitada, and Hanaya fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Young fails to disclose or otherwise provide that which Florin, Niijima, Eyer, Kitada, and Hanaya lack. Specifically, Young discloses a television schedule system and process with a user interface that is configured to compensate for the particular nature of the television schedule information (*see* Young, column 2, lines 33-36). However, Young is completely silent regarding a mosaic, access rights, and encryption. Thus, Young fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, Hanaya, and Young, whether considered separately or in combination. Claims 14 and 110, which depend indirectly from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, and further in view of WO 96/37996 (“Townsend”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Niijima, Eyer, and Kitada, fail to disclose or render obvious the limitations of independent claim 1. Further, Townsend fails to disclose or otherwise provide that which Florin, Niijima, Eyer, and Kitada lack. Townsend discloses improvements in receivers for television signals. *See* Townsend, Title. Specifically, Townsend discloses a descrambling circuit controlled by an access control unit to enable descrambling of a signal by authorized subscribers. *See* Townsend, p. 11, lines 16-19. Townsend further discloses a mosaic of promotional video clips simultaneously on the screen of the TV. *See* Townsend, page 34, lines 4 and 5. Townsend also discloses that the whole mosaic is transmitted as video data representing a single picture in a single channel. *See* Townsend, page 34, lines 21-23. However, like Florin, Townsend fails to disclose transmitting a program that is shown on the mosaic (the second channel) in unencrypted form and also on a separate channel (the first channel) in encrypted form. Accordingly, Townsend fails to disclose or render obvious at least the limitation directed to determining that full access rights are not available *to a user* for a program while the program is displayed in a mosaic on a separate channel, where the program remains in encrypted form on the first channel so that audio access and visual access to the program are prohibited, as required by the amended independent claims.

Further, Townsend discloses that audio and video are separately decompressed. *See, e.g.,* Townsend, FIG. 2. However, Townsend fails to disclose that access to only one of audio or

video is prohibited. Townsend also fails to disclose a predetermined length of time during which full audio and video access is available and after which only one of audio or video access is available. Thus, Townsend also fails to disclose or render obvious the limitation direct to “wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited,” as required by the amended independent claims.

In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Niijima, Eyer, Kitada, and Townsend, whether considered separately or in combination. Dependent claim 19, which depends indirectly from claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, and 113

Claims 20, 22, and 113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, and Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Niijima, Eyer, Kitada, and Young fail to disclose or render obvious the limitations of amended independent claims 1 and 51. Specifically, Florin, Niijima, Eyer, Kitada, and Young fail to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel. In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, and Young, whether considered separately or in combination. Claims 20, 22, and 113, which depend from either claim 1

or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 23 and 27

Claims 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, and Young and further in view of US Patent No. 5,815,145 (“Matthews”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Niijima, Eyer, Kitada, and Young disclose or render obvious the limitations of amended independent claim 1. Further, Matthews fails to disclose or otherwise provide that which Florin, Niijima, Eyer, Kitada, and Young lack. Specifically, Matthews merely discloses providing programming information to viewers of an interactive television or televideo (IT) system. The programming information includes video display images, and preferably a multi-frame video segment of or relating to the programming on at least one channel (*see* Matthews, column 2, lines 6-8). However, Matthews is completely silent regarding a mosaic, access rights, and encryption. Thus, Matthews fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Niijima, Eyer, Kitada, Young, and Matthews whether considered separately or in combination. Claims 23 and 27, which depend indirectly from claim 1, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31, 33, 36, 79, 84, and 116

Claims 31, 33, 36, 79, 84, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, and Matthews. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Niijima, Eyer, and Kitada disclose or render obvious the limitations of amended independent claims 1 and 51. In addition, it logically follows from the above description in which Matthews fails to disclose or render obvious the limitations of amended independent claim 1, that Matthews must also fail to disclose or render obvious the limitations of amended independent claim 51. In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, and Matthews, whether considered separately or in combination. Claims 31, 33, 36, 79, 84, and 116, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, Matthews, and further in view of US Patent No. 5,663,757

(“Morales”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Nijima, Eyer, Kitada, and Matthews disclose or render obvious the limitations of amended independent claims 1 and 51. Further, Morales fails to disclose or otherwise provide that which Florin, Nijima, Eyer, Kitada, and Matthews lack. Specifically, Morales merely discloses a wide range interactive two way communication video system operable nation-wide over satellite links has comprehensive local data processing stations for network subscribers that give a wide range of choices for customizing system features (*see* Morales, Abstract). However, Morales is completely silent regarding a mosaic and encryption. Thus, Morales fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Nijima, Eyer, Kitada, Matthews, and Morales, whether considered separately or in combination. Claims 32, 80, and 81, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Nijima, Eyer, Kitada, and further in view of US Publication No. 2001/0052135 (“Balakrishnan”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Nijima, Eyer, and Kitada disclose or render obvious the limitations of amended independent claims 1 and 51. Further, Balakrishnan fails to disclose or otherwise provide that which Florin, Nijima, Eyer, Kitada lack. Specifically, Balakrishnan merely discloses implementing an interactive broadcast program, which includes a transmitter for transmitting a multiplexed data stream which includes a main program and a plurality of different commercials, and a receiver (e.g., a digital television receiver) configured to receive the multiplexed data stream (*see* Balakrishnan, paragraph [0005]). While Balakrishnan also discloses a mosaic of logos or video sequences (*see* Balakrishnan, paragraph [0018]), Balakrishnan is completely silent regarding a access rights and encryption. Thus, Balakrishnan fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Nijima, Eyer, Kitada, and Balakrishnan, whether considered separately or in combination. Claims 34 and 82, which depend indirectly from claims 1 and 51, respectively, are

patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 85

Claims 37 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Nijima, Eyer, Kitada, and further in view of US Patent No. 5,978,649 (“Kahn”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Nijima, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Florin, Nijima, Eyer, and Kitada lack. Specifically, Kahn merely discloses transmitting a communication signal to a plurality of receiver units wherein each receiver unit has authorization information identifying subsets of the communication signal that the receiver unit is authorized to process (*see* Kahn, column 2, lines 11-14). Further, Kahn discloses access codes necessary for decryption of encrypted datastreams (*see, e.g.*, Kahn, col. 4, lines 50-55). However, Kahn is silent with respect to a mosaic as well as prohibiting one of audio access and video access. Thus, Kahn fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Nijima, Eyer, Kitada, and Kahn, whether considered separately or in combination. Claims 37 and 85, which depend from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 143 and 144

Claims 143 and 144 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Nijima, Eyer, Kitada, and further in view of US Patent No. 5,036,537 ("Jeffers"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Nijima, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claims 1 and 51. Further, Jeffers fails to disclose or otherwise provide that which Florin, Nijima, Eyer, and Kitada lack. Specifically, Jeffers merely discloses a geographic blackout method for use with such systems in which all receiver units within a given geographic area are simultaneously prevented from displaying a program to be blacked out through the use of a single command sequence (*see* Jeffers, column 1, lines 9-14). However, Jeffers is completely silent regarding a mosaic, access rights, and encryption. Thus, Jeffers fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a predetermined length of time, and wherein the program

remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Niijima, Eyer, Kitada, and Jeffers, whether considered separately or in combination. Claims 143 and 144, which depend directly from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 146

Claim 146 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Niijima, Eyer, Kitada, and further in view of US Patent No. 5,872,588 (“Aras”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Niijima, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claim 1. Further, Aras fails to disclose or otherwise provide that which Florin, Niijima, Eyer, and Kitada lack. Specifically, Aras merely discloses a method and apparatus for content coding of audio-visual materials (*see* Aras, Abstract). Further, Aras discloses encryption of signals (*see, e.g.,* Aras, col. 7, lines 1-3) and a subscriber requiring access (*see* Aras, Abstract). However, Aras is silent with respect to a mosaic as well as prohibiting one of audio access and video access. Thus, Aras fails to disclose or render obvious at least the limitations directed to determining that full access rights are not available to a user for a program while a program is displayed in encrypted form in a mosaic on a second channel, wherein one of only audio access and only video access is prohibited for the program on the second channel after a

predetermined length of time, and wherein the program remains in encrypted form on the first channel so that audio access and video access to the program are prohibited, as required by the amended independent claims.

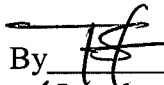
In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Nijima, Eyer, Kitada, and Aras, whether considered separately or in combination. Claim 146, which depends directly from claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this submission is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

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Attachment (Examiner Interview Request Form)
(Information Disclosure Statement)